IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD ALLEN GERBER, : CIVIL NO. 1:06-CV-01358

Plaintiff

: (Judge Conner)

v.

:

VARIOUS OTHER PRISON

OFFICIALS,

Defendants:

<u>ORDER</u>

AND NOW, this 25th day of June, 2007, upon consideration of the report and recommendation of the magistrate judge (Doc. 32), to which no objections were filed, and, following an independent review of the record, it appearing that plaintiff has failed to identify or to effect service upon the defendants referred to as "various other prison officials," see FED. R. CIV. P. 4(m) ("If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant"), it is hereby ORDERED that:

- 1. The report and recommendation of the magistrate judge (Doc. 32) is ADOPTED.
- 2. The above-captioned action is DISMISSED for failure to file an amended complaint identifying the defendants referred to as "various other prison officials." See FED. R. CIV. P. 4(m).
- 3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge